IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6023 of 2005

Between:

1 Mahd. Sharfuddin, S/o. Shabuddin,
Vysya Hostel, 3-4-298, Lingampally,
Hyderabad.s
2 Mohd. Yousuf, S/o. Ismail
H.No.3-4-303/6, Lingampally, Hyderabad.

..... PETITIONERS

AND

The A.P.State Wakf Board,

represented by its Chief Executive Officer,
Haj House, Nampally, Hyderabad.

..... RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the Respondents herein by issuing a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondent in not initiating any steps against the encroacher/land grabber in pursuance of representations dt.27-1-2005, 9-2-2005, 15-2-2005 and finally on 26-2-2005 in protection of wakf property situated at 3-4-284 and 285 Kachiguda, Hyderabad as contemplated vide the Wakf Act, 1995 as illegal, arbitrary and also in violation of Articles 14 and 21 of the Constitution of India and to pass such other order or orders.

Counsel for the Petitioners: MR.P.SRIDHAR RAO

Counsel for the Respondent: MR.A.M.QURESHI

S.C. FOR A.P. WAKF BOARD

The Court at the stage of admission made the following

ORAL ORDER:

Heard the learned counsel for the petitioners as well as the learned Standing Counsel for the A.P. State Wakf Board, appearing on behalf of the respondent.

2. The writ petition is filed seeking Writ of Mandamus to declare the action of the respondent in not initiating any steps against the encroacher/land grabber in pursuance of representations dated 27-01-2005, 09-02-2005, 15-02-2005 and 26-02-2005 in protection of wakf property, situated at 03-04-284 and 285, Kachiguda, Hyderabad, as contemplated under the provisions of the Wakf Act, 1995, as illegal and arbitrary.

3. The petitioner, who is interested in protecting the property of Wakf, appears to have made representations to the respondent for taking appropriate action to save the property of Wakf.

4. In such circumstances, it is the duty of the Wakf Board to protect the Wakf property as provided under Section 54 of the Wakf Act, 1995.

5. Therefore, the respondent is directed to consider the representations dated 27-01-2005, 09-02-2005, 15-02-2005 and 26-02-2005 said to have been made by the petitioners and take appropriate action in accordance with law.

6. With the above observation and direction, the writ petition is disposed of, at the stage of admission. No costs.

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D.S.R. VARMA, J

28TH MARCH 2005

Note:

Issue CC in three days

(B/o)

ISN/KRK

ASSISTANT REGISTRAR

To

1. The Chief Executive Officer,

The A.P.State Wakf Board,

Haj House, Nampally, Hyderabad.

2. Two CD copies